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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,526	08/16/2001	Arindam Das-Purkayastha	B-4274 618998-3	3735

7590 10/15/2004

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
	2131

DATE MAILED: 10/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/931,526	DAS-PURKAYASTHA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Longbit Chai	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 March 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date 4.   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Priority***

1. The application is filed on 08/16/2001 but claims the benefit of foreign priority has been made and acknowledged.
2. Therefore, the effective filing date for the subject matter defined in the pending claims in this application is 08/18/2000 on the benefit of foreign priority date.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudia (Patent Number: 6009177), hereinafter referred to as Sudia, in view of Austel (Patent Number: 6430561), hereinafter referred to as Austel, and evidenced by ISO/IEC-15408 ("Common Criteria for Information Technology Security Evaluation", August.1999), hereinafter referred to as ISO/IEC-15408.

4. As per claims 1 and 6, Sudia teaches computer apparatus comprising a receiver for receiving an integrity metric for a computer entity via a trusted device associated

with the computer entity, the integrity metric having values for a plurality of characteristics associated with the computer entity (Sudia: for example, Column 16 Line 50 – 67 and Column 44 Line 31 – 55 and Figure 24 Elements 240/241/248);

5. Sudia does not teach a controller for assigning a trust level to the computer entity from a plurality of trust levels, wherein the assigned trust level is based upon the value of at least one of the characteristics of the received integrity metric.

6. Austel teaches a controller for assigning a trust level to the computer entity from a plurality of trust levels, wherein the assigned trust level is based upon the value of at least one of the characteristics of the received integrity metric (Sudia: for example, Column 13 Line 33 – 36 and Figure 8).

7. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Austel within the system of Sudia because Austel teaches the prevention of tampering and unauthorized modification to files (Austel: see for example, Column 6 Line 39 – 40).

8. This is also evidenced by ISO/IEC-15408 (ISO/IEC-15408: for example, Common Criteria Part I Section 4.1.1 5<sup>th</sup> Paragraph).

9. As per claim 2, Sudia as modified teaches the claimed invention as described above (see claim 1). Sudia as modified further teaches the trusted device is arranged to acquire an integrity metric of the computer entity (Sudia: for example, Column 16 Line 50 – 67 and Column 44 Line 31 – 55 and Figure 24 Elements 240/241/248).

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10. Claims 3 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudia (Patent Number: 6009177), hereinafter referred to as Sudia, in view of Austel (Patent Number: 6430561), hereinafter referred to as Austel, and in view of Trostle (Patent Number: 5919257), hereinafter referred to as Trostle.

11. As per claim 3, Sudia as modified teaches the claimed invention as described above (see claim 1). Sudia as modified does not teach the trust level is determined by comparing the value of the at least one characteristics with a specified value.

12. Trostle teaches the trust level is determined by comparing the value of the at least one characteristics with a specified value (Trostle: for example, Column 2 Line 3 – 7).

13. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Trostle within the system of Sudia because Trostle teaches detecting unauthorized changes to files (Trostle: see for example, Column 1 Line 13 – 15).

14. As per claim 4, Sudia as modified teaches the claimed invention as described above (see claim 1). Sudia as modified further teaches the plurality of trust levels are determined base upon a plurality of specified values associated with a plurality of characteristics of a computer entity (Trostle: see for example, Column 2 Line 3 – 7, Column 5 Line 5 – 7 and Column 5 Line 12 – 16).

15. As per claim 5, Sudia as modified teaches the claimed invention as described above (see claim 1). Sudia as modified further teaches the plurality of trust levels are

determined based upon a plurality of specified values associated with characteristics for a plurality of computer entities (Trostle: see for example, Column 3 Line 10 – 13, Column 3 Line 20 and Figure 1 Element 12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 703-305-0710. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai  
Examiner  
Art Unit 2131

LBC



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